

ORIGINAL



0000163375

BEFORE THE ARIZONA CORPORATION COMMISSION  
RECEIVED

COMMISSIONERS

SUSAN BITTER SMITH, Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

2015 JUN -4 P 3:20

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY

DB

JUN 04 2015

DOCKETED

Arizona Corporation Commission

In the matter of )  
)  
KENT MAERKI and NORMA JEAN )  
COFFIN aka NORMA JEAN MAERKI, aka )  
NORMA JEAN MAULE, husband and )  
wife, )  
)  
DENTAL SUPPORT PLUS FRANCHISE, )  
LLC, an Arizona limited liability company )  
)  
Respondents. )

DOCKET NO. S-20897A-13-0391

**SECURITIES DIVISION'S RESPONSE TO  
RESPONDENTS' REQUEST FOR DATE  
CHANGES TO PRODUCE BY JUNE 1, 2015  
COMPLETE WITNESS AND EXHIBIT  
LISTS, AND MY POSITION ON MY  
RELATIONSHIP TO THE OFFERING  
DESCRIBED IN THE COMMISSION'S  
NOTICE OF OPPORTUNITY FOR  
HEARING**

On June 1, 2015, in the afternoon, Respondent Maerki filed Respondents' filed a Request For Date Changes To Produce By June 1, 2015 Complete Witness And Exhibit Lists, And My Position On My Relationship To The Offering Described In The Commission's Notice Of Opportunity For Hearing ("Request") on behalf of he and his wife. This Request should be denied.

Respondent Maerki states in his Request that he is "representing Norma J. Coffin, my innocent wife." Pursuant to Arizona Supreme Court Rules, an individual is prohibited from representing another in an administrative proceeding. *See* 17A A.R.S. Sup.Ct.Rules, Rule 31. Respondent Maerki prohibited from representing Norma J. Coffin.

In the Thirteenth Procedural Order, issued on March 17, 2015, ALJ Stern ordered the parties to exchange their witness list and exhibits no later than June 1, 2015. In addition, the parties were ordered to simultaneously exchange memoranda on the franchise issue and the relationship to the offering described in the Notice.

In his Request, Respondent Maerki asserts that he did not have knowledge of Ms. Mirch's withdrawal until May 28, 2015. This statement is contrary to the documents filed in

1 this case. Ms. Mirch's Motion to Withdraw avowed that her clients were informed of her  
2 intention to withdraw and provided, in writing, the upcoming deadlines and Orders. For  
3 Respondent Maerki to come forward and claim that he had no knowledge of the deadlines is  
4 just wrong. If Respondent Maerki is correct, then Ms. Mirch misrepresented the situation to  
5 ALJ Stern and the granting of her Motion should be reconsidered. The Securities Division does  
6 not have any evidence to suggest that Ms. Mirch's representations are inaccurate.

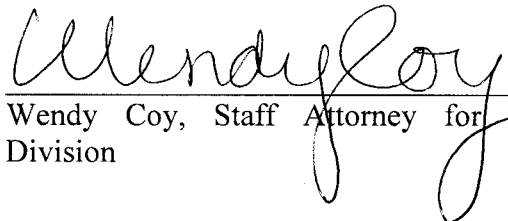
7 Respondent Maerki indicates that he needs an extension until June 23, 25 or 26 to  
8 comply with requirements of Thirteenth Procedural Order that was issued on March 17, 2015.  
9 This is just another delay tactic.

10 The fact that Respondents need to produce a witness list and exchange exhibits should  
11 not be a surprise. In fact, this is the third deadline set by ALJ Stern ordering the parties to  
12 produce witness lists and exchange exhibits. *See* Third Procedural Order, Tenth Procedural  
13 Order and Thirteenth Procedural Order. On April 14, 2014, Respondent Maerki provided a  
14 witness list and copies of exhibits. Again on January 5, 2015, Ms. Mirch, on behalf of  
15 Respondents, provided a witness list and copies of exhibits to the Securities Division. It should  
16 not be difficult to update the witness list and provide any additional exhibits.

17 The Respondents and counsel have known since March 17, 2015, that a memorandum was  
18 due June 1, 2015. The parties had plenty of time to meet the June 1, 2015, deadline.

19 For the reasons outlined above, Respondent Maerki's Request should be denied.

20 RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of June, 2015.

21   
22 Wendy Coy, Staff Attorney for the Securities  
23 Division  
24  
25  
26

1 SERVICE LIST FOR: KENT MAERKI and NORMA JEAN COFFIN aka NORMA JEAN  
2 MAERKI, aka NORMA JEAN MAULE, husband and wife, DENTAL SUPPORT PLUS  
3 FRANCHISE, LLC

4 ORIGINAL and 9 copies of the foregoing  
5 filed this 4<sup>th</sup> day of June, 2015, with:

6 Docket Control  
7 Arizona Corporation Commission  
8 1200 W. Washington St.  
9 Phoenix, AZ 85007

10 COPY of the foregoing hand-delivered  
11 this 4<sup>th</sup> day of June, 2015, to:

12 The Honorable Marc E. Stern  
13 Administrative Law Judge  
14 Arizona Corporation Commission  
15 1200 W. Washington St.  
16 Phoenix, AZ 85007

17 COPY of the foregoing mailed  
18 this 4<sup>th</sup> day of June, 2015, to:

19 Mark D. Chester  
20 8777 N. Gainey Center Drive, Suite 191  
21 Scottsdale, Arizona 85258-2106  
22 Attorneys for Respondents

23 Kent Maerki  
24 10632 N. Scottsdale Road, Suite B479  
25 Scottsdale, AZ 85254  
26

